

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3308 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MANI RAM MEENA

Versus

CHEIF SECURITY COMMISSIONER

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Appearance:

MR RK MISHRA for Petitioner

MR SS SHAH for Respondent No. 2

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 24/09/97

ORAL JUDGEMENT

Heard the learned counsel for the parties. It is not in dispute that the petitioner has vacated the premises on 16.5.1997. Therefore, the only controversy remains is with respect to the penal rent. The say of the petitioner is that he has three female children studying in Hindi medium School in Ahmedabad. They could not be shifted to Rajkot as there is no Hindi medium School at Rajkot.

2. An affidavit has been filed by ASC RPF. He has tried to justify the levy of penal rent under the relevant rules.

3. Considering the fact that the petitioner's three children were admitted in Hindi medium School at Ahmedabad and that there is no Hindi medium School at Rajkot, the petitioner has got justified ground to over-stay in the quarters. In view of this, levy of penal rent is not justified. However, the petitioner will pay the rent due within a period of three months.

Rule made absolute to the aforesaid extent.

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msp.